

BEFORE THE DIRECTOR  
OF THE  
OFFICE OF CAMPAIGN FINANCE  
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS  
FRANK D. REEVES MUNICIPAL BUILDING  
2000 14TH STREET, N.W. SUITE 420  
WASHINGTON, D.C. 20009  
(202) 671-0550

IN THE MATTER OF	}	DATE: April 13, 2006
	}	
Leftwich & Ludaway	}	DOCKET NO: 06L- 002
1400 K Street, NW Suite 1000	}	HEARING OFFICER: William O. SanFord
Washington, DC 20005	}	

**ORDER**

**Statement of the Case**

This matter comes before the Office of Campaign Finance (OCF) upon an inquiry conducted by the Office of Campaign Finance which determined that Eli Lilly and Company for which Leftwich & Ludaway serves as a Lobbyist failed to timely file a January 10, 2006 Lobbyist Activity Report (January 10, 2006 Report), pursuant to D.C. Official Code §1-1105.05(a) (2001 Edition).

By Notice of Hearing, Statement of Violations and Order of Appearance dated February 8, 2006, OCF ordered Leftwich & Ludaway (hereinafter respondent lobbyist) to appear at a scheduled hearing on February 16, 2006 and show cause why Leftwich & Ludaway and Eli Lilly and Company should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq. (Act) and fined accordingly.

On February 15, 2006, respondent lobbyist filed a notarized written response to the allegation in lieu of appearing at the scheduled hearing.

**Summary of Evidence**

OCF has alleged that Leftwich & Ludaway failed to timely file the statutorily required January 10, 2006 Report by the due date. In a notarized written response, submitted by Natalie O. Ludaway, Esquire, on behalf of the respondent lobbyist, Ms. Ludaway stated that the employee, upon whom she had relied in previous years to prepare the reports, was no longer employed with her firm. Consequently, she was not aware that the report was delinquent until she received a Notice of Non-Compliance from OCF in late January of 2006. Ms. Ludaway additionally stated that, after she received the Notice, she attempted to file the report electronically, but she was unsuccessful. However, she stated that she complied with the OCF filing requirements as expeditiously as possible.

Ms. Ludaway concluded that she has no prior filing delinquencies with OCF.

**Findings of Fact**

Having reviewed the allegations and OCF records, I find:

1. Respondent lobbyist was required to file a January 10, 2006 Report with OCF by the due date.
2. Respondent lobbyist did not timely file a January 10, 2006 Report with OCF.
3. OCF records indicate that the respondent lobbyist was mailed a “Notice of Non-Compliance, Failure to File January 10, Report, 2006” on January 24, 2006.
4. Respondent lobbyist January 10, 2006 Report was received by OCF on February 15, 2006.
5. Respondent Lobbyist has no prior filing delinquencies with OCF.

**Conclusion of Law**

Based upon the record and evidence, I therefore conclude:

1. Leftwich & Ludaway violated D.C. Official Code Section 1-1105.05(a).
2. The penalty established at 3DCMR Sections 3711.2(ee) and 3711.4 for failure to timely file a January 10, 2006 Report required by D.C. Official Code Section 1-1105.05(a) is a fine of \$10.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code Section 1-1103.05(b)(3) and 3DCMR Sections 3711.2(ee) and 3711.4, Leftwich & Ludaway may be fined a maximum of \$240.00 for failing to timely file a January 10, 2006 Report.
4. For good cause shown pursuant to 3DCMR Section 3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent’s previous record of timely filing Lobbyist Activity Reports, and immediate compliance upon discovery that the report was overdue, provides good cause for suspension of the fine.

**Recommendation**

In view of the foregoing and information included in the case file, I hereby recommend that the Director suspend the fine that could be imposed in this matter.

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**William O. SanFord**  
**Hearing Officer**

**Concurrence**

In view of the foregoing, I hereby concur with the Recommendation.

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Kathy S. Williams**  
**General Counsel**

**ORDER OF THE DIRECTOR**

**IT IS ORDERED** that the fine of \$240.00 that could be imposed against Leftwich & Ludaway for failing to timely file a January 10, 2006 Lobbyist Activity Report is hereby suspended.

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Cecily E. Collier-Montgomery**  
**Director**

This Order may be appealed to the Board of Elections and Ethics within 15 days from the date of issuance.

NOTICE

Pursuant to 3 DCMR § 3711.5 (1999), any fine imposed by the Director shall become effective on the 16<sup>th</sup> day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, and 2000 14<sup>th</sup> Street, NW, Washington, D.C. 20009.

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order.

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April Williams